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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,208	01/31/2007	Folke Axelsson	069798-080672	4688
26288	7590	01/05/2010	EXAMINER	
ALBIHNS AB			DIAZ, JOSE	
BOX 5581				
Valhallavagen 117			ART UNIT	PAPER NUMBER
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SWEDEN			MAIL DATE	DELIVERY MODE
			01/05/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,208	<b>Applicant(s)</b> AXELSSON, FOLKE	
	<b>Examiner</b> JOSE M. DIAZ	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

The Amendment, filed on 09/04/2009, has been entered and acknowledged by the Examiner.

Cancellation of claim 4 has been entered.

Claims 1 is pending in the instant application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claim language is unclear between which spaces the adhesive filler material is being disposed, rendering the claim indefinite. For examining purposes it is assumed that adhesive is disposed space between of the radial lugs and the end cap.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

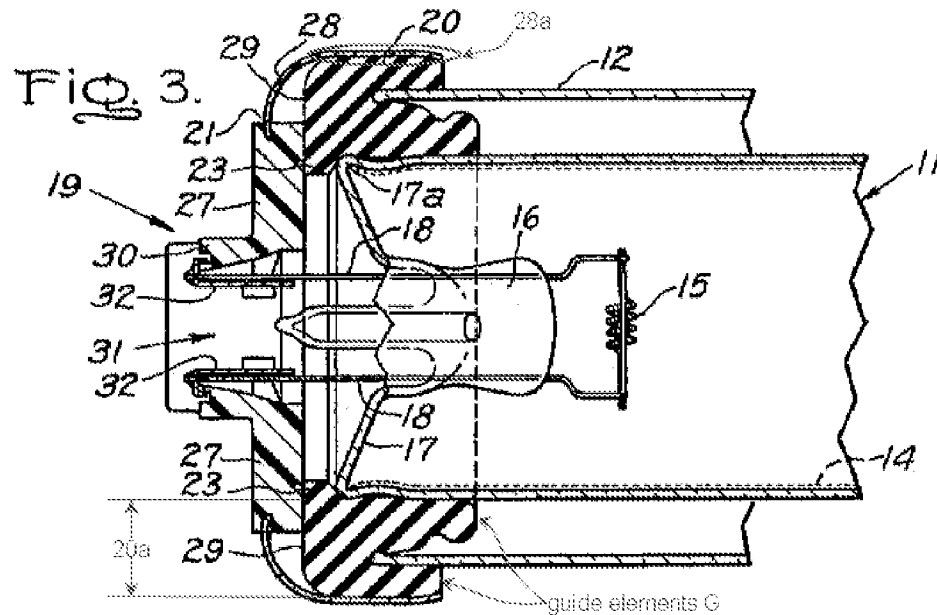
a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanks (3358167)**, in view of **Sica (6254318)**.

Regarding **claim 1**, Shanks clearly shows and discloses a fluorescent lamp, which comprises an elongated main tube (11), a fixing device (19) at each end of the fluorescent lamp (10) for fixing the fluorescent lamp (10) in a light fitting (it is inherent that there will be a fitting to accommodate the lamp), two electrodes (15) provided with emitter material placed inside the main tube (11), a heat-insulating outer tube (12) that surrounds the main tube (11) and creates an airspace between the main tube (11) and the outer tube (12), each fixing device comprising an end cap (28) with a radial part, that delimits an outer end plane of the fluorescent lamp (10), and with an axial peripheral part (28a, denoted hereinafter by the Examiner in the figure below), characterized in that the axial peripheral part (28a) of the end cap (28) is connected to an end of the outer tube (12) and further comprising a one-piece axial spacer (20) made entirely of a material with low heat conductivity has a first end part (internal shoulder 23) which holds and centers an end of the main tube (11) and a second end part (20a, denoted hereinafter by the Examiner in the figure below) that adjoins the outer end plane and keeps the main tube (11) separate from the end cap (28), wherein the second end part (20a) of the spacer (20) has one or several radially-projecting guide elements (G, denoted hereinafter by the Examiner in the figure below)) in the form of radial lugs distributed around the circumference of the axial spacer, against which the end of the

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outer tube (12) abuts (figs. 3-4, col. 2, lines 38-44 and 60-63, col. 3, lines 19-20, 27-30, 45-46).



However, Shanks fails to exemplify an adhesive filler material being disposed in the spaces between the radial lugs and joining the spacer, end cap and outer tube to each other in order to make easier the assembly of the outer tube and the end cap when assembling the fluorescent lamp.

In the same field of endeavor, Sica clearly shows and discloses an adhesive (22) disposed between a guide element (fig.1 col. 3, lines 41-43), in order to prevent dislocation of the sleeve when the lamp is under mechanical stress.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an adhesive disposed between a guide element and an end cap as taught by Sica and adapt it to Shanks device in a similar manner the space between the radial lugs and the end cap so as to joining the

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spacer, end cap and outer tube to each other in order, in order to prevent dislocation of the sleeve when the lamp is under mechanical stress.

### ***Response to Arguments***

Applicant's arguments filed 09/04/2009 have been fully considered but they are not persuasive. The prior art of the record still applies to the claimed invention according to the interpretation of the claim language given by the Examiner due to the indefiniteness of the claim language.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. DIAZ whose telephone number is (571)272-9822. The examiner can normally be reached on 7:00 - 5:00 EST Monday-Thursday; Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/José M. Díaz/

Examiner, Art Unit 2879

/Sikha Roy/

Primary Examiner, Art Unit 2879

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